

**ORDINANCE NO. 010719-118**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT HEATHERWILDE BOULEVARD AND WELLS BRANCH PARKWAY AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND INDUSTRIAL PARK-CONDITIONAL OVERLAY (IP-CO) COMBINING DISTRICT FOR TRACT TWO.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in File C14-00-2079, as follows:

Tract One: From interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district.

5.0 acre tract of land, more or less, out of the L.C. Cunningham Survey Abstract No. 163 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From interim rural residence (I-RR) district to industrial park-conditional overlay (IP-CO) combining district.

54.903 acre tract of land, more or less, out of the L.C. Cunningham Survey Abstract No. 163 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as the property located at Heatherwilde Boulevard and Wells Branch Parkway, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds

the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Robert J. Halls and Associates, dated April 2000, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated March 19, 2001. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

2. The following uses of the property identified as Tract Two are prohibited:

Agricultural sales and services  
Automotive rentals  
Convenience storage  
Off-site accessory parking  
Personal services  
Restaurant (drive-in, fast food)  
Community recreation (public)  
Day care service (commercial)  
Railroad facilities

Art and craft studio (industrial)  
Automotive repair services  
Medical offices (exceeding 5,000 s.f.)  
Outdoor sports and recreation  
Plant nursery  
Service station  
Congregate living  
Maintenance and service facilities  
Residential treatment

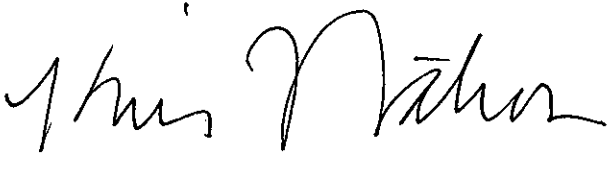
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 3.** The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on July 30, 2001.

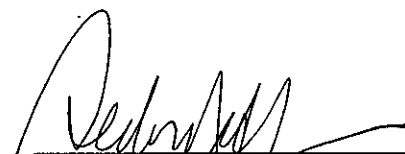
**PASSED AND APPROVED**

July 19, 2001


§  
§  
§  


Kirk Watson  
Mayor

**APPROVED:**

  
Sedora Jefferson  
Acting City Attorney

**ATTEST:**

  
Shirley A. Brown  
City Clerk

## **EXHIBIT A**

**5.000 ACRE ZONING TRACT  
OUT OF THE  
L.C. CUNNINGHAM SURVEY  
ABSTRACT No. 163  
TRAVIS COUNTY, TEXAS**

### **METES AND BOUNDS DESCRIPTION**

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 5.000 ACRES OUT OF THE L.C. CUNNINGHAM SURVEY, ABSTRACT No. 163 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 43.096 ACRE TRACT DESCRIBED IN A DEED TO SEALY HEATHERWILDE LP. OF RECORD IN DOCUMENT No.2000101898, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found at the west corner of a 5' Street, Public Utility and Drainage Easement Dedication tract described in Volume 11236, Page 790 of the Real Property Records of Travis County, Texas (Heatherwilde Blvd.), at an interior corner of said Sealy Heatherwilde tract, for an interior corner in the south line of the herein described 5.000 acres, and the **POINT OF BEGINNING** hereof

**THENCE** with the northwest line of said dedication tract and a southeast line of said Sealy Heatherwilde tract, S22°46'20"E for a distance of 5.00 feet to an iron rod found at the south corner of said dedication tract, a northerly corner of a tract described as Tract Two in a deed to New Wells Point Partners, Ltd., of record in Document No. 1999046435, Official Public Records of Travis County, Texas, for a corner of said Sealy Heatherwilde tract and corner hereof

**THENCE** with a northerly line of said New Wells Point Partners tract and southerly line of said Sealy Heatherwilde tract, S67°14'01"W for a distance of 229.01 feet to an iron rod set, capped and stamped "RPLS 3693", for the west corner hereof

**THENCE** through the interior of said Sealy Heatherwilde tract, the following 4 calls:

- 1.) N28°00'00"W for a distance of 230.25 to a capped iron rod set, stamped "RPLS 3693"
- 2.) N62°00'00"E for a distance of 262.80 feet to a capped iron rod set, stamped "RPLS 3693"
- 3.) N28°00'00"W for a distance of 485.76 feet to a capped iron rod set, stamped "RPLS 3693"

- 4.) N62°00'00"E for a distance of 219.07 feet to a capped iron rod set, stamped "RPLS 3693", in the curving southwest line of a 120' wide street dedication tract described in Volume 9680, Page 291, Real Property Records of Travis County, Texas, and the northeast line of said Sealy Heatherwilde tract, for the east corner hereof

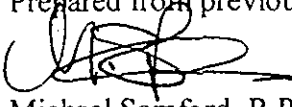
**THENCE** with said Sealy Heatherwilde and Street Dedication line, being the southwest line of Wells Branch Parkway, the following 2 calls:

- 1.) along the arc of a curve to the right whose radius is 2009.93 feet, length is 327.26 feet, and whose chord bears S27°24'51"E for a distance of 326.90 feet to a ½" iron rod found at end of curve
- 2.) S22°46'02"E for a distance of 401.11 feet to a ½" iron rod found at a point of curve

**THENCE** with the northerly line of said 5' Street Dedication tract, PUE and Drainage Easement, and with the southerly line of said Sealy Heatherwilde tract, the following 2 calls:

- 1.) along the arc of a curve to the right whose radius is 25.00 feet and whose chord bears S22°15'03"W for a distance of 35.36 feet to a ½" iron rod found at end of curve
- 2.) S67°13'05"W for a distance of 174.94 feet to the **POINT OF BEGINNING** hereof and containing 5.000 acres of land, more or less.

Prepared from previous surveys this the 21<sup>st</sup> of March, 2001, by

  
Michael Samford, R.P.L.S. 3693

Refer to Exhibit B, attached hereto and hereby made a part hereof for Sketch to Accompany this description.

REFERENCES

Tax ID: 0267210337  
City of Austin Grid: N-36



SAMFORD & ASSOCIATES  
LAND SURVEYING  
TEL: 441-5601 FAX: 441-5603

# EXHIBIT "B"

4360 S. CONGRESS AVENUE  
SUITE 109  
AUSTIN, TEXAS 78745

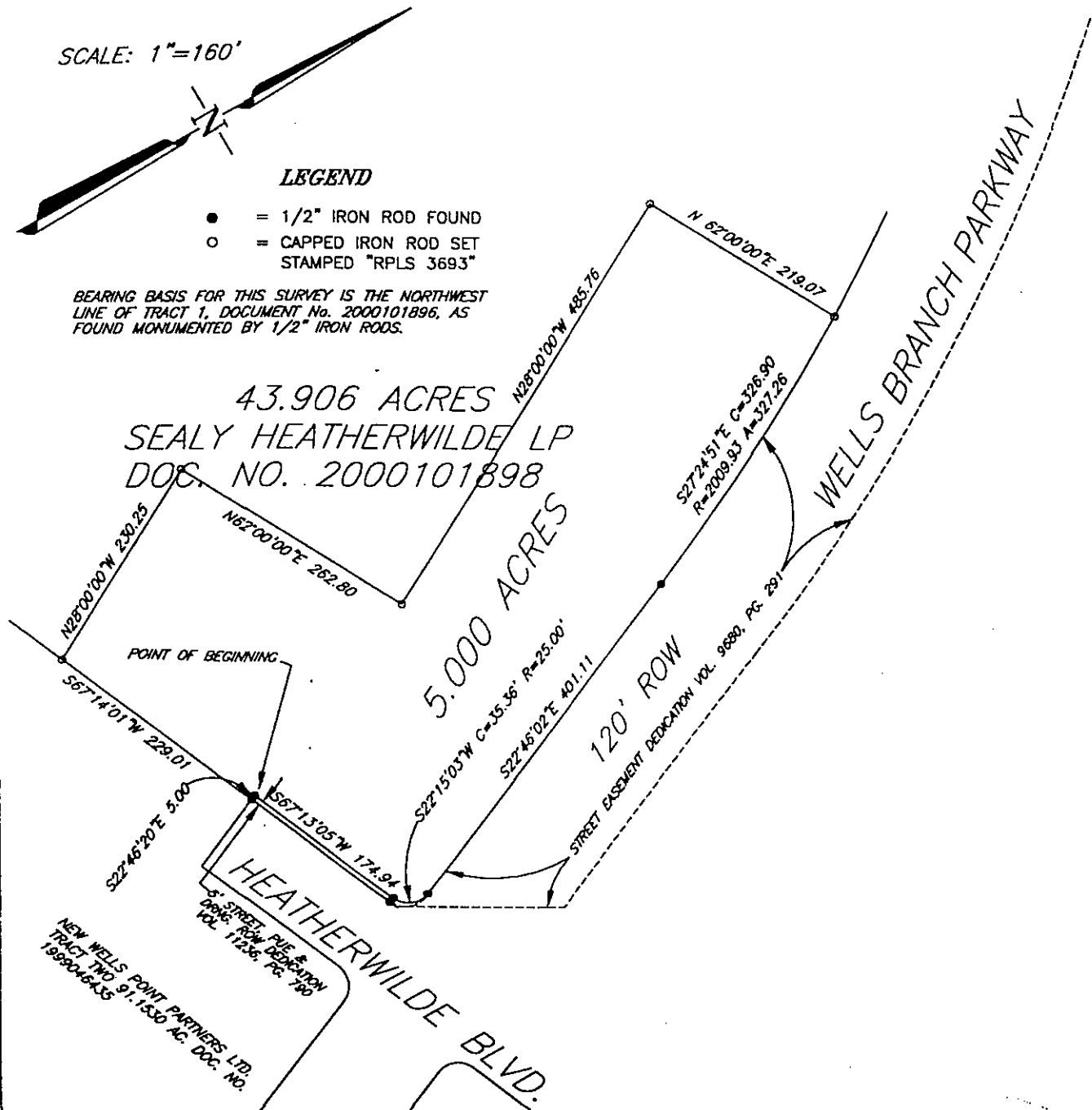
SCALE: 1"=160'

## LEGEND

- = 1/2" IRON ROD FOUND
- = CAPPED IRON ROD SET  
STAMPED "RPLS 3693"

BEARING BASIS FOR THIS SURVEY IS THE NORTHWEST  
LINE OF TRACT 1, DOCUMENT No. 2000101896, AS  
FOUND MONUMENTED BY 1/2" IRON RODS.

43.906 ACRES  
SEALY HEATHERWILDE LP  
DOC. NO. 2000101898



SKETCH TO ACCOMPANY METES &  
BOUNDS DESCRIPTION-5.000 AC.  
L. C. CUNNINGHAM SURVEY, A-163  
TRAVIS COUNTY, TEXAS

PLAN No.: 010132

DATE: 3/21/01

MICHAEL SAMFORD, R.P.L.S. 3693

## EXHIBIT B

54.903 ACRE ZONING TRACT  
OUT OF THE  
L.C. CUNNINGHAM SURVEY  
ABSTRACT No. 163  
TRAVIS COUNTY, TEXAS

### METES AND BOUNDS DESCRIPTION

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 54.903 ACRES OUT OF THE L.C. CUNNINGHAM SURVEY, ABSTRACT No. 163 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 43.096 ACRE TRACT DESCRIBED IN A DEED TO SEALY HEATHERWILDE LP. OF RECORD IN DOCUMENT No. 2000101898, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND ALL OF THAT CERTAIN 15.997 ACRE TRACT DESCRIBED IN A DEED TO SEALY HEATHERWILDE LP, OF RECORD IN DOCUMENT No. 2000101896, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 54.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found at the east corner of Lot 14, Block C of Wells Point Commercial Section 7, a subdivision in Travis County of Record in Plat Book 86, Page 167A, Travis County Plat Records, being in the southwest R.O.W. line of Wells Branch Parkway, at the south corner of said Parkway as dedicated by said plat, being also the west corner of that portion of said Parkway dedicated by Volume 9680, Page 291, Travis County Real Property Records, for the north corner and **POINT OF BEGINNING** hereof

**THENCE** with the northeast line of said Sealy Heatherwilde 43.906 acre tract and southwest line of said Wells Branch Parkway as dedicated by Volume 9680, Page 291, the following 2 calls:

- 1.) S54°14'48"E for a distance of 455.22 feet to a ½" iron rod found at a point of curve
- 2.) With the arc of said curve to the right whose radius is 2009.93 feet, arc length is 776.68 feet, and whose chord bears S43°08'56"E for a distance of 771.86 feet to a point for a corner hereof

**THENCE** through the interior of said 43.906 acre tract, with the north and west lines of a 5.000 acre tract out of said 43.906 acres, the following 4 calls:

- 1.) S62°00'00"W for a distance of 219.07 feet to a point for a corner
- 2.) S28°00'00"E for a distance of 485.76 feet to a point for a corner
- 3.) S62°00'00"W for a distance of 262.80 feet to a point for a corner
- 4.) S28°00'00"E for a distance of 230.25 feet to a point in the south line of said Sealy Heatherwilde 43.906 acre tract, in the north line of a tract called 91.1530 acres in a deed to New Wells Point Partners, Ltd., described as Tract Two in a deed of record in Document No. 1999046435, Official Public Records of Travis County, Texas, for the southeast corner hereof

**THENCE** with the south line of said Sealy Heatherwilde 43.906 acre tract and north line of said New Wells Point Partners tract, the following 3 calls:

- 1.) S67°14'01"W for a distance of 239.77 feet to a ½" iron rod found at a point of curve
- 2.) With the arc of said curve to the left whose radius is 962.42 feet, arc length is 630.39 feet, and whose chord bears S48°29'43"W for a distance of 619.19 feet to a ½" iron rod found at end of curve
- 3.) S29°33'14"W for a distance of 130.49 feet to a PK nail set in a creosote fence corner post, in the northeast line of a tract described as 139.803 acres in a deed to Parkway-Phase 1 LP, of record in Document No. 200030271, Official Public Records of Travis County, Texas, at the south corner of said Sealy Heatherwilde 43.906 acre tract, for the south corner hereof

**THENCE** with the northeast line of said Parkway-Phase 1 tract and southwest line of said 43.906 acre tract and then the southwest line of said 15.997 acre tract, N59°48'25"W at a distance of 639.87 feet passing a ½" iron rod found at a west corner of said 43.906 acre tract and the south corner of said Sealy Heatherwilde 15.997 acre tract, and continuing on for a total distance of 718.24 feet to a 60d nail found in an old cedar post for an angle point in the southwest line hereof

**THENCE** continuing with the northeast line of said Parkway-Phase 1 tract and with the southwest line of said 15.997 acre tract, the following 2 calls:

- 1.) N60°04'18"W for a distance of 395.79 feet to a ½" iron rod found at an angle point
- 2.) N60°33'31"W for a distance of 55.90 feet to a ½" iron rod found at the west corner of said 15.997 acre tract and south corner of a tract called 29.705 acres in a deed to SCI Colorado Funeral Services, Inc., of record in Volume 12485, Page 454, Travis County Real Property Records, for the west corner hereof

**THENCE** with the southeast line of said SCI tract and northwest line of said Sealy Heatherwilde 15.997 acre tract, and then the northwest line of said Sealy Heatherwilde 43.906 acre tract, N29°03'19"E, at a distance of 1311.09 feet passing a ½" iron rod found at the north corner of said 15.997 acre tract and a west corner of said 43.906 acre tract, and continuing on for a total distance of 1479.23 feet to a ½" iron rod found at the

south corner of Lot 13, Block C, Wells Point Commercial Section 7, for an angle point in the northwest line hereof

Thence continuing with the northwest line of said 43.906 acre tract, and with the southeast line of said Block C, N28°58'17"E for a distance of 485.71 feet to the **POINT OF BEGINNING** hereof and containing 54.903 acres of land, more or less.

Prepared from previous surveys this the 13th of March, 2001, by



Michael Samford, R.P.L.S. 3693

Refer to Exhibit B, attached hereto and hereby made a part hereof for Sketch to Accompany this description.

010132a

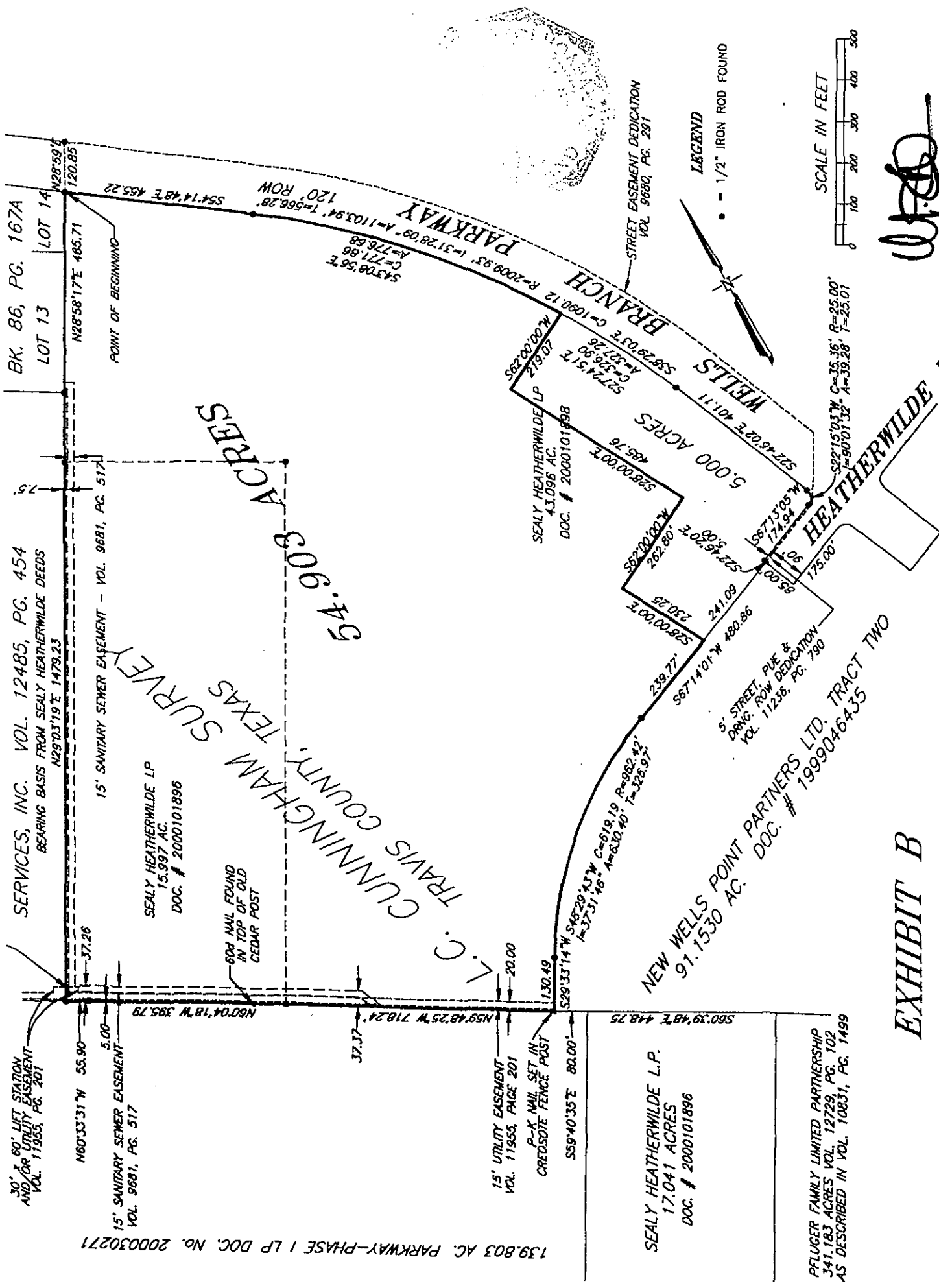
REFERENCES

Tax ID: 0267210337

City of Austin Grid: N-36





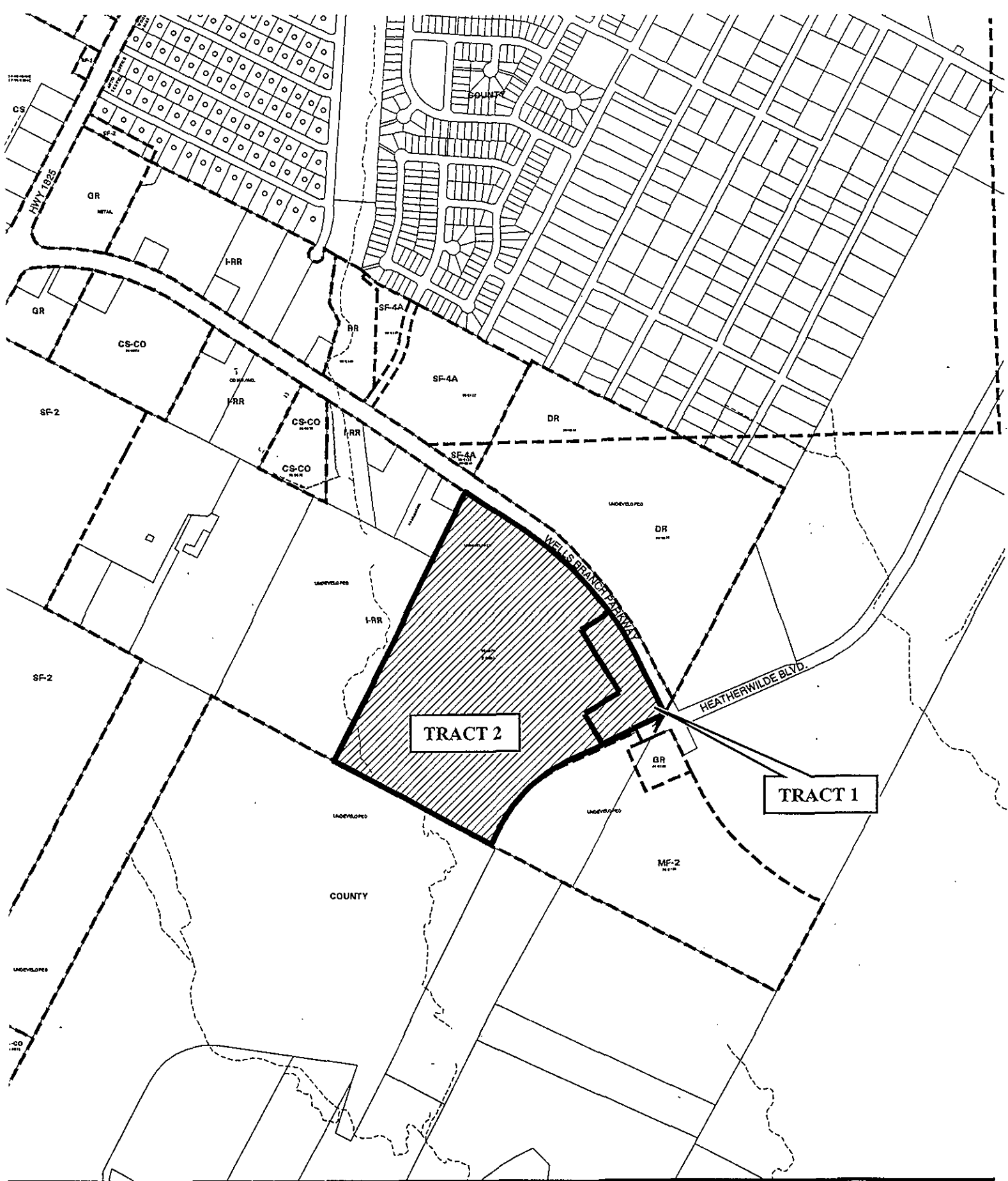






# EXHIBIT B

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

*[Signature]*

MICHAEL SANFORD, R.P.L.S. 3693  
010132A



 1" = 800'	SUBJECT TRACT 	<b>ZONING EXHIBIT C</b>  <b>CASE #: C14-00-2079</b> ADDRESS: Heatherwilde Blvd. @ Wells Branch Pkwy. SUBJECT AREA (acres): 59.903	DATE: 01-05  INTLS: TRC	CITY GRID REFERENCE NUMBER  N36'
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: D.WAHLGREN			